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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,978

Applicant(s)

HAKEN, JACK E.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/11/02,03/27/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-6 and 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishigaki (5,825,968).

Regarding claims 1 and 5, Nishigaki (5,825,968) discloses a memory associated with a programmable TV recorder storing computer readable instructions for programming a processor to monitor an input port capable of receiving a video signal from a video signal source, to determine whether the video signal is recordable, and to generate an output when the processor determines that the video signal is not recordable (Figs. 1-4, columns 4-5).

Regarding claim 24, Nishigaki teaches a programmable recorder for recording video signals, comprising: means for monitoring the video signal;
means for determining whether the video signal is recordable; and

means for generating a programmed response when the video signal is not recordable (Figs. 1-4, columns 4-5).

Regarding claim 27, Nishigaki teaches a signal automatically generated by a programmable recorder indicating that a video signal received by the programmable recorder that is to be recorded during a scheduled recording event will not support the scheduled recording event (Figs. 1-4, columns 4-5).

Regarding claim 3, Nishigaki the video source comprises an antenna (1) ; and the output comprises an alarm signal indicating that the programmable TV recorder is not receiving the video signal at the input port (the video signal which is not having copy protection information) .

Regarding claim 4, Nishigaki further teaches the output is a signal which cancels a scheduled recording event (Figs 7,8) .

Regarding claim 5, Nishigaki teaches a memory associated with a programmable TV recorder storing computer readable instructions for programming a processor to monitor a video signal from a video signal source for changes, to determine, based on said changes, whether the video signal is recordable and to generate an output signal when the processor determines that the video signal is not recordable (Figs. 1-4, columns 4-5).

Regarding claim 6, Nishigaki further teaches the processor is programmed to determine that the video signal is recordable when the video signal analyzed by the processor is changing (Figs. 7,8).

Regarding claim 25, Nishigaki teaches the programmable recorder as recited in claim 24, wherein the programmed response comprises cancellation of a scheduled recording event (Figs. 7-8).

3. Claims 1-5,12,14-18,22,23,26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Horlander et al (EP 0913997).

Regarding claim 1 , Horlander discloses a memory associated with a programmable TV recorder storing computer readable instructions for programming a processor to monitor an input port capable of receiving a video signal from a video signal source, to determine whether the video signal is recordable, and to generate an output when the processor determines that the video signal is not recordable (Fig. 1, pages 2-3, pages 6, lines 5-25)..

Regarding claim 5, Horlander teaches a memory associated with a programmable TV recorder storing computer readable instructions for programming a processor to monitor a video signal from a video signal source for changes, to determine, based on said changes, whether the video signal is recordable and to generate an output signal when the processor determines that the video signal is not recordable (Fig. 1, pages 2-3, pages 6, lines 5-25).

Regarding claim 2 , Horlander further teaches that the memory as recited in claim 1, wherein: the video signal source comprises a settop box (DSS); the programmable TV recorder further means which communicate with a settop box 10provider; and the output comprises an electronic message sent to the settop box provider indicating that the settop box is not operational (page 2 , lines 20-30).

Regarding claim 3, Horlander further teaches the video source comprises an antenna (1) ; and the output comprises an alarm signal indicating that the

programmable TV recorder is not receiving the video signal at the input port the video signal (page 2, lines 20-30 , page 3, lines 30-45) .

Regarding claim 4, Horlander further teaches the output is a signal which cancels a scheduled recording event (page 6, lines 25-37) .

Regarding claim 12, Horlander teaches a programmable recorder for recording video signals provided by a settop box, comprising:

monitoring circuitry, which monitors a signal indicative of the operational state of the settop box and generates a state signal (page 6)

means which determine whether the settop box is operational based on the state signal and generates a determination signal (page 6); and

control circuitry, which effects a programmed response in response to the determination signal (Fig. 1, pages 2-3, page 6, lines 20-45, page 29, lines 20-56).

13. The programmable recorder as recited in claim 12, wherein the programmed response comprises cancellation of a schedule recording event.

Regarding claim 14, Horlander further teaches the programmable recorder as recited in claim 12, wherein:

the programmable recorder further comprises: a communications circuit permitting communication between the programmable recorder and a settop box control facility; and the programmed response comprises transmitting an electronic message to settop box control facility indicating that the settop box is not operational (page 29, lines 40-50).

Regarding claim 16, Horlander teaches the programmable recorder as recited in claim 12, wherein:

the signal indicative of the state of the settop box comprises the video signal output by the settop box; and

the monitoring circuitry monitors the video signal and generates the state signal when the video signal is present at an input terminal of the programmable recorder Page 2, page 29, lines 30-47).

Regarding claim 17 Horlander teaches the programmable recorder as recited in claim 12, wherein:

the signal indicative of the state of the settop box comprises the video signal output by the settop box; and

the monitoring circuitry analyses the video signal and generates the state signal when at least a portion of the video signal is changing (page 2).

Regarding claim 18, Horlander teaches the programmable recorder as recited in claim 12, wherein:

the signal indicative of the state of the settop box comprises the video signal output by the settop box; and

the monitoring circuitry analyses the video signal and generates the state signal when the video signal is consistent with a television program signal (pages 2-3_).

Regarding claim 22, Horlander teaches a programmable recorder (Fig. 1) for recording audio/video program signals provided by a settop box, comprising:

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a communications circuit permitting transmission of a command sequence from the programmable recorder to the settop box (page 6);

monitoring circuitry that monitors a signal indicative of the operational state of the settop box and generates a state signal;

means which determine whether the settop box is operational based on the state signal and generates a determination signal (page 6); and

control circuitry that effects a programmed response in response to the determination signal, wherein the means monitors the signal indicative of the output of the settop box responsive to the command sequence transmitted to the settop box from the programmable recorder (pages 2-3, page 6, lines 10-37, page 29, lines 25-55).

Regarding claim 23, Horlander further teaches The programmable recorder as recited in claim 22, wherein:

the signal indicative of the state of the settop box comprises a program signal output by the settop box; and

the monitoring circuitry analyses the video signal and generates the state signal when the program signal changes in response to the command sequence (page 29, lines 50-50).

Regarding claim 24, Horlander teaches a programmable recorder for recording video signals, comprising: means for monitoring the video signal; means for determining whether the video signal is recordable; and

means for generating a programmed response when the video signal is not recordable pages 2-3, Fig. 1) .

Regarding claim 26, Horlander teaches the programmable recorder as recited in claim 24, wherein: the video signal is supplied by a settop box; the programmable recorder further comprises means for effecting a communications link with a settop box provider; and the programmed response is an electronic message sent from the programmable recorder to the settop box provider indicative of an error in the settop box (page 29, lines 25-55).

Regarding claim 27, Horlander teaches a signal automatically generated by a programmable recorder indicating that a video signal received by the programmable recorder that is to be recorded during a scheduled recording event will not support the scheduled recording event (pages 2-3, page 29, lines 30-40) .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki (5,825,968) in view of Oshisu (6,650,376).

Nashigaki fails to teach that the processor detects an antenna.

Oshisu teaches apparatus connecting with a antenna having a detecting means for detecting whether the antenna is connected to the apparatus and for performing a programmed response (column 2). It would have been obvious to one of ordinary skill in the art to modify Nashigaki with Oshisu by using a detecting means as taught by Oshisu with the apparatus of Nashigaki for detecting whether an antenna connected to the apparatus and to generate alarm signal when the antenna is not connected to the apparatus to alert the user.

6. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki (5,825,968) in view of Dagtas et al (US 2002/00800286).

Regarding claims 7-10, Nishigaki fails to teach that the processor determined that the video signal is recordable based on the change of the video signals.

Dagtas teaches a recorder having a processor for determining whether the video signal is recordable based on the changing of video signal (section 0006). Therefore it would have been obvious to one of ordinary skill in the art to modify Nishigaki with Dagtas using the teaching of Dagtas for programming the processor with predetermined instruction software according to frame detection or audio noise to determine whether the video signal is recordable and to provide appropriate response in order to prevent error in recording the video signal from the set top box.

Regarding claim 11, it is noted that a signal having noise is not a recordable signal is well recognized in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Nishigaki by providing the processor with a predetermined instruction software to define that the received video signal having audio signal associated with video signal is a recordable video signal when the audio signal is not noise.

7. Claims 7-11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horlander (EP 0913997) in view of Dagtas et al (US 2002/00800286).

Regarding claims 7-11 and 19-21, Horlander fails to teach that the processor determines that the video signal is recordable based on the change of the video signals. Dagtas teaches a recorder having a processor for determining whether the video signal is recordable based on the changing of video signal (section 0006). Therefore it would have been obvious to one of ordinary skill in the art to modify Horlander using the teaching of Dagtas for programming the processor with predetermined instruction software to detect video frame or audio varied levels to determine whether the video signal is recordable and to provide varied level appropriate response in order to prevent error in recording the video signal from the set top box.

Regarding claim 11, it is noted that a signal having noise is not a recordable signal is well recognized in the art. Therefore, it would have been obvious to one of

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ordinary skill in the art to modify Horlander by providing the processor with a predetermined instruction software to define that the received video signal having audio signal associated with video signal is a recordable video signal when the audio signal is not noise .

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horlander (EP 0913997) in view of Yuen et al 6,091,882)

Regarding claim 15, , Horlander further teaches the programmable recorder as recited in claim 12, wherein the programmable recorder further comprises a sensor disposed proximate to the settop box; the signal is indicative of the on-off state of the settop box; and the state signal indicates the on-off state of the settop box (page 29, lines 30-47) but fails to teaches a sensor disposes proximate to the settop box .

Yuen teaches a recorder having sensor (31) disposed proximate to a settop box (Fig. 19-20, column 19, lines 5-37).

It would have been obvious to one of ordinary skill in the art to modify Horlander with Yuen by using the teaching of Yuen for providing the recorder with sensor at a position proximate to a settop box for receiving command signal when needed .

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER